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Received & Inspected

INFORMAL OBJECTION TO
"Appeal of Order (FCC 16M-23) to the Full Commission"
August 18, 2016

AUG 19 2016

FCC Mailroom

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street S.W.
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

Re: EB Docket No. 03-152

Avenal Educational Services, Inc.
KAAX, Facility ID No. 3365

Central Valley Educational Services, Inc.
KYAF, Facility ID No. 9993

~~NOT FOR PUBLIC INSPECTION~~

To: The Commission.

Avenal Educational Services, Inc. ("Avenal") and Central Valley Educational Services, Inc. ("Central Valley"), permittees of the facilities shown above, by their attorney, here note their objection to the Appeal of Order filed by William L. Zawila ("Zawila") on August 2, 2016.¹

Background. On July 25, 2016, the chief administrative law judge issued an Order, FCC 16M-23, dismissing our two parties from this long-standing hearing case. These parties have no further right to receive notice, make filings or participate in the hearing in any way. Avenal and Central Valley are relieved and delighted to no longer have the future of their facilities entwined with the catalog of malfeasance by Zawila, as set forth in the initial HDO. These parties did not appeal the Order. Zawila has attempted to do so, however. The purpose of this objection is to establish that Zawila has no legal authority to represent Avenal or Central Valley in any manner whatsoever. Accordingly and for that reason alone, his appeal should be dismissed.

¹ The appeal is accompanied by a Certificate of Service, stating that it was mailed to undersigned counsel for these objectors on August 30, 2016. That is conceivable, but as of 8/15/2016 no such mailing has been received. An amended appeal also appears to have been received by the ALJ or other staff, but the submitted copy does not bear a stamp for filing. It too has a Certificate Service signed by Zawila, stating that it likewise was mailed to counsel. No such second mailing has been received.

Zawila never “owned” these facilities. As stated in the attached Declaration of Verne J. White (“Decl.”), he retained Zawila early in 1988 as a communications attorney and gave him a retainer check of \$2,000 to submit the applications for what became the construction permits KAAX and KYAF. The original permits were issued to permittees of record at White's residential address, Decl, Attachments A and B. One of the facilities, KYAF in fact was constructed by White and persons under his direction. It operates to this day. But prior to 2003, it appears that Zawila made false claims to have “constructed” conforming or non-conforming facilities under this construction permit, and these activities and inconsistent statements ripened into significant issues in the HDO, paras. 23-30. Zawila had nothing to do with the later, actual construction and never visited the site, Decl. p. 2. The other facility, [KAAX] formerly KAJF(FM), was the subject of extensive interaction between the San Francisco Field Office and Zawila. The many inconsistencies in what staff were told could not be resolved, because of Zawila's stonewalling of repeated requests for information, HDO para. 46, and this resulted in other hearing issues. White fired Zawila as counsel by letter in on May 19, 2005, Decl. p. 1.

Misrepresentation of Representational Authority. In 2015 Zawila applied for an assignment of KAAX and KAJF, supposedly as a “distress sale.” The assignor portion of the applications was certified by “William Zawila, President.” However, the FRN given for KYAF, 0015382823, was registered by Verne J. White, President, not Zawila, Decl. p. 2 and Attachment C. the FRN given for KAAX, 0010371896, was registered by Verne J. White, President, and not Zawila, Decl. p. 3 and Attachment D. The accompanying asset purchase agreement was signed for the sellers by “William Zawila, Title: General Counsel Acting Under Delegated Authority.” Official notice is requested hereby. White states that neither he nor anyone associated with the entities had authorized Zawila to do anything with respect to these stations, Decl. p. 3. The inconsistency between “President” and “General Counsel” is explainable by Zawila forgetting what ruse he is employing from time to time, so that he did not fashion a consistent application.

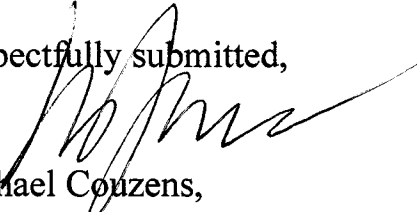
Appeal Not Authorized. Finally, White states under penalty of perjury that neither he nor anyone associated with the permittees authorized the appeal of the hearing Order FCC 16M-23. For this reason alone, the appeal should be summarily dismissed.

Conclusion. In the hearing from which Central Valley and Avenal are thankfully departed, there remain three entities: Zawila on behalf of a construction permit he owns, and two estates in probate. Both of these probate estates have been languishing in

Orange County, California, Superior Court for more than ten years. The record attorney for the estates, of course, is Zawila. It is fair to assume that the heirs to these estates, if any heirs actually exist, long ago ceased to have any interest, knowing that probate fees and legal fee claims by Zawila will swallow any equity and deliver what remains of the the station assets to him personally. Thus, across the board of the three remaining entities in hearing there are no actual clients. Zawila is representing only himself.

Zawila is a vexatious litigant. He has used every trick imaginable not to answer for the misdeeds as set forth in the HDO, back in 2003. No competent attorney would submit the string of meretricious and barely readable filings we have seen from him in this case. Our objectors would prefer to see him barred from practice before the Commission, but we have no need to request such relief, given the richly deserved closure that impends for Zawila in the hearing case. For the reasons stated, the August 2 "Appeal" should be dismissed.

Respectfully submitted,



Michael Couzens,
Attorney for
Central Valley Educational Services, Inc.
and
Avenal Educational Services, Inc.

copies to:
Hon. Richard L. Sippel
Linda Oliver
Rachel Funk
Pamela Kane
Michael Engel
William L. Zawila

AUG 19 2016

FCC Mailroom

DECLARATION OF VERNE J. WHITE

I, Verne J. White, make the following declaration, under penalty of perjury:

Some time in 1987 I spoke with several broadcasters in Central California because I was looking to apply for an FM license in my area. William Zawila was recommended as a broadcast attorney who could help me, as I had no knowledge of how to file for a broadcast station. I traveled to his office in Garden Grove, CA. I was doing work in Southern California so I was able to meet with him several times. We discussed the filing for two noncommercial broadcast facilities in Central California. He identified Firebaugh and Avenal as communities for which we could file. Early in 1988 I gave him a retainer check of \$2,000 at his office to start doing work for the applications. I assumed, mistakenly as I later discovered, that he was covering all the bases and doing everything required for State of California and FCC compliance. He did not offer and I regret that I did not request an engagement letter, setting forth the terms of his employment as our lawyer.

By 2004 and 2005 I recognized that my confidence in Zawila was totally misplaced. He never sent me paperwork that he supposedly filed. He stopped returning phone calls. Finally, on May 19, 2005, I sent him a handwritten termination letter. Zawila did not tell me, and I was unaware until much later of the Hearing Designation Order in 2003, levying very serious charges against our stations and especially against Zawila. Had I known, his termination would have come earlier. To the best of my recollection at no time was Zawila a member of the

1 governing board of either station. Any authority he may have had in or for the
2 stations was revoked as of May 19, 2005.

3 We were issued initial construction permits, respectively in 1993
4 (Attachment A) and 1994 (Attachment B). The address stated on the face of the
5 permits, 637 W. Los Altos, Clovis CA 93612, was my residential address, as it
6 remains to this day. Under the construction permit, our entity Central Valley
7 Educational Broadcasting, Inc. did construct and begin operating one of the two
8 stations, KYAF, in Firebaugh. Zawila had no role in this construction, and to my
9 knowledge has never visited the station. It has been on the air for more than ten
10 years.
11

12
13 I am informed, believe and therefore represent that in 2015 Zawila applied
14 for what he claimed was a "distress sale" assignment of KYAF from Central Valley
15 to something called Big Radio Pro, Inc., BAPED-20150403ABD. In that
16 application, the contact information was to Zawila's law office, and the assignor
17 portion was certified by "William Zawila, President." However, as given in
18 Section I, the FRN for this applicant was 0015382823. The record of that FRN
19 (Attachment C) includes my address and myself as President. It does not include
20 Zawila in any capacity. I deny that I or anyone at Central Valley authorized Zawila
21 to use this FRN or to make any FCC filing whatsoever.
22
23

24 Similarly, I am informed, believe and therefore represent that in 2015 Zawila
25 applied for what he claimed was a "distress sale" assignment of KAAX from
26 Central Valley to Big Radio Pro, Inc., BAPED-20150403ABF. In that application,
27
28

1 the contact information was to Zawila's law office, and the assignor portion was
2 certified by "William Zawila, President." However, as given in Section I, the FRN
3 for this applicant was 0010371896. The record of that FRN (Attachment D)
4 includes my address and myself as President. It does not include Zawila in any
5 capacity. I deny that I or anyone at Avenal authorized Zawila to use this FRN or to
6 make any FCC filing whatsoever.
7

8 The "distress sale" transactions featured an Exhibit 5 Asset Purchase
9 Agreement. It is signed for the "sellers" by "William Zawila, Title: General
10 Counsel Acting Under Delegated Authority."
11

12 Neither I nor anyone associated with the Central Valley or Avenal has
13 authorized Zawila to do anything with respect to these stations since his discharge
14 as counsel in 2005. We have requested in writing that he return all client files, and
15 he has refused to do so. Most recently I specifically deny that I or anyone at Central
16 Valley or Avenal authorized Zawila to file an appeal of the Order by Chief
17 Administrative Law Judge Sippel, FCC 16M-23.
18

19 The foregoing is sworn to under the penalties for perjury provided in the laws
20 of the United States.

21 Dated: August 17, 2016

22 By: _____
23 Verne J. White
24
25
26
27
28

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16 Valley or Avenal authorized Zawila to file an appeal of the Order by Chief
17 Administrative Law Judge Sippel, FCC 16M-23.
18

19 The foregoing is sworn to under the penalties for perjury provided in the laws
20 of the United States.

21 Dated: August 17, 2016
22

23 By: 
24 Verne J. White
25
26
27
28



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

AVENAL EDUCATIONAL SERVICES, INC.
ATTN VERNE J WHITE
637 W. LOS ALTOS
CLOVIS CA 93612

Mary Houser
Supr Applications Examiner
Audio Division
Media Bureau

Facility ID: 3365

Grant Date: March 10, 1993

Call Sign: KAAX

This permit expires 3:00 a.m.
local time, September 10, 1994.

Permit File Number: BPED-19890320MB

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: AVENAL EDUCATIONAL SERVICES, INC.

Station Location: CA-AVENAL

Frequency (MHz): 105.7

Channel: 289

Class: A

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 36 deg 02 min 26 sec
West Longitude: 120 deg 07 min 17 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	.92	.92
Height of radiation center above ground (Meters):	35	35
Height of radiation center above mean sea level (Meters):	413	413
Height of radiation center above average terrain (Meters):	182	182

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 37 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- 1
- THE PERMITTEE/LICENSEE MUST REDUCE POWER OR CEASE OPERATION AS NECESSARY TO PROTECT PERSONS HAVING ACCESS TO THE SITE, TOWER OR ANTENNA FROM RADIOFREQUENCY RADIATION IN EXCESS OF FCC GUIDELINES.

*** END OF AUTHORIZATION ***



United States of America
FEDERAL COMMUNICATIONS COMMISSION
FM BROADCAST STATION CONSTRUCTION PERMIT

Authorizing Official:

Official Mailing Address:

CENTRAL VALLEY EDUCATIONAL SERVICES, INC.
637 W. LOS ALTOS
CLOVIS CA 93612

Mary Houser
Supr Applications Examiner
Audio Division
Media Bureau

Facility ID: 9993

Grant Date: November 04, 1994

Call Sign: KYAF

This permit expires 3:00 a.m.
local time, May 04, 1996.

Permit File Number: BPED-19881017MD

Subject to the provisions of the Communications Act of 1934, as amended, subsequent acts and treaties, and all regulations heretofore or hereafter made by this Commission, and further subject to the conditions set forth in this permit, the permittee is hereby authorized to construct the radio transmitting apparatus herein described. Installation and adjustment of equipment not specifically set forth herein shall be in accordance with representations contained in the permittee's application for construction permit except for such modifications as are presently permitted, without application, by the Commission's Rules.

Commission rules which became effective on February 16, 1999, have a bearing on this construction permit. See Report & Order, Streamlining of Mass Media Applications, MM Docket No. 98-43, 13 FCC RCD 23056, Para. 77-90 (November 25, 1998); 63 Fed. Reg. 70039 (December 18, 1998). Pursuant to these rules, this construction permit will be subject to automatic forfeiture unless construction is complete and an application for license to cover is filed prior to expiration. See Section 73.3598.

Equipment and program tests shall be conducted only pursuant to Sections 73.1610 and 73.1620 of the Commission's Rules.

Name of Permittee: CENTRAL VALLEY EDUCATIONAL SERVICES, INC.

Station Location: CA-FIREBAUGH

Frequency (MHz): 94.7

Channel: 234

Class: A

Hours of Operation: Unlimited

Transmitter: Type Accepted. See Sections 73.1660, 73.1665 and 73.1670 of the Commission's Rules.

Transmitter output power: As required to achieve authorized ERP.

Antenna type: Non-Directional

Antenna Coordinates: North Latitude: 36 deg 47 min 30 sec

West Longitude: 120 deg 30 min 00 sec

	Horizontally Polarized Antenna	Vertically Polarized Antenna
Effective radiated power in the Horizontal Plane (kW):	3.00	3.00
Height of radiation center above ground (Meters):	104	104
Height of radiation center above mean sea level (Meters):	168	168
Height of radiation center above average terrain (Meters):	100	100

Antenna structure registration number: Not Required

Overall height of antenna structure above ground: 107 Meters

Obstruction marking and lighting specifications for antenna structure:

It is to be expressly understood that the issuance of these specifications is in no way to be considered as precluding additional or modified marking or lighting as may hereafter be required under the provisions of Section 303(q) of the Communications Act of 1934, as amended.

None Required

Special operating conditions or restrictions:

- 1 The permittee/licensee must reduce power or cease operation as necessary to protect persons having access to the site, tower or antenna from radiofrequency electromagnetic fields in excess of FCC guidelines.

*** END OF AUTHORIZATION ***

[Close Window](#)

Registration Detail

FRN: 0015382823
Registration Date: 08/12/2006 02:17:00 AM
Last Updated: 12/23/2015 01:35:00 PM
Business Name: Central Valley Educational Services, Inc.
Business Type: Private Sector , Non-Profit/Exempt Organization
Contact Organization:
Contact Position: President
Contact Name: Verne White
Contact Address: 637 W. Los Altos Clovis, CA 92840 United States
Contact Email:
ContactPhone: (559) 298-2800
ContactFax:

Attachment D.

[Close Window](#)

Registration Detail

FRN: 0010371896
Registration Date: 02/11/2004 05:28:35 PM
Last Updated: 12/23/2015 01:39:00 PM
Business Name: Avenal Educational Services, Inc.
Business Type: Private Sector , Non-Profit/Exempt Organization
Contact Organization:
Contact Position: President
Contact Name: Verne White
Contact Address: 637 w. Los Altos Clovis, CA 93612 United States
Contact Email:
ContactPhone: (714) 636-5040
ContactFax: (559) 298-2800